proposals.

PRESIDENT CASSELL: Delegate Coates, the Chair was of the impression that he was restating the division for clarification, inasmuch as the chairperson did not seem to be prepared to do so.

MR. B. MOORE: I move for a five-minute recess.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that we have a five-minute recess. Those in favor of the motion, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(There were three "nays.")

PRESIDENT CASSELL: Those abstaining?

(No response.)

(Whereupon, a brief recess was taken.)

PRESIDENT CASSELL: Let's get seated and carry on the business of the convention.

Delegate Terrell?

MR. TERRELL: Yes?

PRESIDENT CASSELL: I'm having a hard time getting your attention.

MR. TERRELL: I said "yes."

PRESIDENT CASSELL: When we recessed, we were considering the second part of Section 2, which reads "consisting of one member to represent each legislative district." Is there a motion to accept that?

MS. HARRIS: I move that it be accepted.

PRESIDENT CASSELL: Is there a second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that the second part of Section 2, "consisting of one member to represent each legislative district," be adopted. Discussion? Kameny, Freeman.

MR. KAMENY: I call the previous question.

(The motion was duly seconded.)

PRESIDENT CASSELL: I think we have the right to have some discussion on that, delegate Kameny.

MR. KAMENY: I was hoping you wouldn't, but go ahead.

PRESIDENT CASSELL: I recognized delegate Rothschild before we recessed.

MR. ROTHSCHILD: Am I recognized?

PRESIDENT CASSELL: You are recognized. You were recognized before the recess; you still have the floor.

MR. ROTHSCHILD: Thank you. After the language we

have just adopted, I would like to put, "In one chamber, half of the total members shall represent legislative districts, one representative per legislative district. The other half of the members shall represent at-large categories of voter interest to be determined by registration." I'll have to explain exactly what that is.

PRESIDENT CASSELL: Do you have that written?

MR. ROTHSCHILD: Yes, I do.

MS. MAGUIRE: I didn't hear a second.

(The motion was duly seconded.)

MR. ROTHSCHILD: What I'm proposing is a different form of representation combined with the form that we have now. Let me give you an example. I will use 24 representatives as an example, a base number. I am proposing that the district be broken up into 12 legislative districts, or a certain number of legislative districts that are to be determined.

The other half of our representatives would be at-large representatives, but the at-large representatives would not represent everybody in the district. Here's how it would be determined: It would be determined by categories, and I have 12 categories up here that are examples and they do not necessarily have to be the ones that would be set.

For example, we could have an at-large representative representing education, one representing unions and employment, one representing environmental concerns, one representing planned economic growth, one representing low-income concerns, a representative representing elderly, youth and the disabled; a representative representing responsible fiscal planning, and so on. We could also have a general, at-large representative for people who would not want to register in any one of these categories.

Each voter would vote for one representative from their district. If you lived in this district, you would vote for your representative in that district. Also, each voter would vote for two at-large categories. So, I might, for example, live here (indicating); I would vote for the legislature in this district, and I might register in the "Low-Income Concerns" category and I might register for the "Humanistic Concerns" category.

Now, here's how the categories are opened up: If I have an idea for a category, such as education, I would go out with a petition and circulate that petition, trying to open up that category of education. If got the minimum number of required signatures on that petition, then at the Office of Elections there would then be a category open for education.

People could do that for any number of categories.

Once the categories are open at the Board of Elections, voters would register under two of the categories that they wanted to register under. The 12 top categories would then actually be seats on the legislature, and people who had registered for one of the non-accepted ones could change their registration to fall into one of the 12 that were accepted, or register in the general, at-large category.

Now, the reason I am proposing this is that the advantages are that in this system you would have district representation with category representation. You would have the type you have now, but also a new type. Also, the at-large categorical representation puts a specialist in the legislature who deals with a topic or an area of concern to the voters, such as "Elderly, Youth and Disabled."

If one person moved from one district to another district, they would not lose all their representation. They would change their district, but they would still stay with the two categories of representation that they had registered for.

PRESIDENT CASSELL: Delegate Rothschild, your five minutes are up.

MR. ROTHSCHILD: Okay. Well, let me just finish

it; I'm right in the middle.

PRESIDENT CASSELL: You mean like ten seconds?

MR. ROTHSCHILD: Yes.

Another advantage to this would be, for example, the people in Ward 8 do not register; they do not register as readily as other wards do. If this system were adopted, their registration would be sought out. In other words, somebody might actually go to them and say, "We are looking for your registration." So, a category with their interests in mind would be established on the legislature.

PRESIDENT CASSELL: Okay.

MR. ROTHSCHILD: One final point.

PRESIDENT CASSELL: I gave you ten seconds extra now.

MR. ROTHSCHILD: I will be done.

PRESIDENT CASSELL: You could go on forever.

MR. ROTHSCHILD: No; I will conclude.

PRESIDENT CASSELL: All right, five seconds.

MR. ROTHSCHILD: Five seconds.

PRESIDENT CASSELL: All right.

MR. ROTHSCHILD: For each of these seats, for a pre-determined period, like four years, there are legislators who run for the seats.

PRESIDENT CASSELL: I think you've made your point. I don't know whether those extra words are really going to sell it any better; I think you've done a good job.

MR. ROTHSCHILD: I appreciate it.

PRESIDENT CASSELL: Thank you very much.

(Applause.)

PRESIDENT CASSELL: That was a substitute motion, right?

MR. ROTHSCHILD: Right.

PRESIDENT CASSELL: Who seconded that motion, please?

MS. NAHIKIAN: Brian Moore seconded it.

PRESIDENT CASSELL: All right. Discussion on the amended motion? First of all, let me have the secretary read it again so that what he's saying is essentially clear.

MR. COOPER: "The Legislature shall be comprised of a single chamber consisting of 24 members."

PRESIDENT CASSELL: Start it again.

MR. COOPER: "The Legislature shall be composed of a single chamber."

MR. ROTHSCHILD: No, no, no; it's the second part of that.

MR. COOPER: Where?

MR. ROTHSCHILD: Strike that other part, "in one

chamber."

MR. COOPER: You want to strike that?

MR. ROTHSCHILD: Yes.

MR. COOPER: What do you strike?

MR. ROTHSCHILD: Now, we have two chambers.

PRESIDENT CASSELL: Excuse me. Did I hear you correctly, delegate Rothschild, to say that your amendment to the second section, which reads "consisting of one member to represent each legislative district," refers to a single chamber?

MR. ROTHSCHILD: Yes, one of the chambers. I'm just speaking to one of the chambers.

PRESIDENT CASSELL: To one of the chambers?

MR. ROTHSCHILD: Yes.

PRESIDENT CASSELL: Very good. Go ahead, Mr. Secretary.

MR. COOPER: "In one chamber, half of the total members shall represent legislative districts, one representative per legislative district. The other half of the members shall represent at-large categories of voter interests, to be determined by registration."

PRESIDENT CASSELL: All right. Discussion on Rothschild's motion? Corn? Anyone else?

MS. CORN: Mr. President, would you instruct me? May I move a substitute motion?

MR. KAMENY: Please don't, for God's sake.

PRESIDENT CASSELL: A substitute motion is in order.

MS. CORN: I would move that this entire report be referred back to committee, in light of the change that has occurred; i.e., going from unicameral to bicameral.

PRESIDENT CASSELL: I'm going to rule that out of order now. We're in the process of completing Section 2. There's a motion on the floor, and I see no reason to stop at this particular point.

MS. CORN: Mr. President, that referred to the entire report, not only Section 2.

PRESIDENT CASSELL: I rule that out of order. Any further discussion on delegate Rothschild's amendment? Maguire?

MS. MAGUIRE: I call the previous question.

(The motion was duly seconded.)

PRESIDENT CASSELL: The previous question has been called. Those in favor of cutting off debate, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Okay. Delegate Rothschild's motion was just read to you. Those in favor, signify by saying aye.

(There were two "ayes.")

PRESIDENT CASSELL: Those opposed?

(A chorus of "nays.")

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The motion loses.

Further discussion on the second part of Section 2, "consisting of one member to represent each legislative district?" Freeman?

MS. FREEMAN: Mr. President, I move to request permission from the assembly to change my vote.

(The motion was duly seconded.)

PRESIDENT CASSELL: I rule that motion out of order. That motion is out of order.

MR. LONG: Point of information, Mr. Chair.

PRESIDENT CASSELL: Yes?

MR. LONG: When would that motion be in order?

PRESIDENT CASSELL: It's out of order because that issue has past; it has been resolved. It was debated; the Chair has ruled. The only way you can get that back is to overrule the Chair.

MS. FREEMAN: I'm making a new motion. I'm making a motion under Section 44 of Roberts Rules. It's not a reconsideration.

(Pause.)

MS. FREEMAN: Mr. President, this is a motion requesting permission from the body itself. It's a different motion than any motion that has so far been considered by you or by the body.

(Pause.)

PRESIDENT CASSELL: Delegate Freeman, there is a motion on the floor that we're discussing. Your motion does not deal with that. You are not attempting to amend or substitute. It has no relationship to the motion on the floor. We must continue and speak to the motion that is on the floor. For that reason, I ruled your motion out of order.

When this issue has been resolved, any new motion can come up. If it's in order, I'll rule it in order.

MS. FREEMAN: I request permission to be called on

at that point.

PRESIDENT CASSELL: Thank you.

Further discussion on the Rothschild amendment?

MS. HARRIS: That was defeated.

PRESIDENT CASSELL: It has been pointed out that that motion did lose. "Consisting of one member to represent each legislative district" -- the next speaker was Maguire.

MS. MAGUIRE: Pass.

PRESIDENT CASSELL: Delegate Jones?

MS. JONES: I'd like to amend the language in the second part, starting with "consisting of one member to represent each legislative district," and continuing with the words, "with a president to be" -- no, no, no. Can I have a second because I lost --

MS. CORN: Why don't you let me do it?

MS. JONES: No, I'm not going to let you do it.

PRESIDENT CASSELL: Okay. We're dealing with that section that reads, "consisting of one member to represent each legislative district."

MS. JONES: I amend it with the language, "with a president to be elected at-large."

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded

that that wording be amended by adding, after the word "district," "with a president to be elected by" -- what?

MS. JONES: At-large.

MS. CORN: At-large.

PRESIDENT CASSELL: "To be elected at-large," okay. It has been moved and seconded. Discussion?

MR. ROBINSON: Point of information. May I please ask the mover of the motion, president of what at-large?

MS. JONES: The president of the legislature to be elected at-large.

PRESIDENT CASSELL: What we have now with that amendment is, "The Legislature shall be composed of a Senate and a House of Delegates consisting of one member to represent each legislative district, with a president to be elected at-large," which is what she's proposing, right? Discussion? Delegate Love?

MR. LOVE: I'm sorry; I pass.

PRESIDENT CASSELL: Delegate Bruning, delegate Moore.

MR. BRUNING: Yes. Considering that we have two houses of the legislature, at least as the wording now stands, "president" would be a very indeterminate word because you have two houses -- the president of the House of Delegates and the president of the Senate.

Additionally, parties, when they organize, pick their leaders from the body which has been elected -- a person specifically chosen for that job. So, both for reasons of consistency and clarity, I'd vote against the motion.

MS. JONES: Mr. Chairman, I withdraw that motion.

PRESIDENT CASSELL: All right, that motion has been withdrawn.

MS. JONES: At this time.

PRESIDENT CASSELL: We're back to discussion on the original motion. Further discussion? Love?

MR. LOVE: I'd like to move a substitute motion for the present language because the present language refers to a unicameral body. Therefore, I'd like to move -- and this is from the model constitution -- "Each delegate shall represent one House district and each Senator shall represent one Senate district."

(The motion was duly seconded.)

PRESIDENT CASSELL: Okay. This will be a substitute motion, then, for the line --

MR. LOVE: Well, no. We'll put a period after, "The Legislature shall consist of such-and-such and such-and-such." Then the next sentence will read, "Each delegate shall represent one House district and each Senator shall represent

one Senate district."

PRESIDENT CASSELL: Okay. It has been moved and seconded that this be amended to the following words. Mr. Secretary?

MR. COOPER: "Each delegate shall represent one House district and each Senator shall represent one Senate district."

PRESIDENT CASSELL: Discussion? Talmadge Moore?

MR. T. MOORE: Yes, Mr. President. I didn't know that we had decided on the names of these two houses as yet, and I'm just anticipating what is really happening. Have we decided that there is going to be a House of Delegates and a Senate?

PRESIDENT CASSELL: Yes.

MR. T. MOORE: I didn't know that; I'm sorry. I withdraw that.

PRESIDENT CASSELL: Further discussion? Nahikian, Cooper.

MS. NAHIKIAN: Fellow delegates, I'd just like to point out that delegate Love's motion is simply conforming language in order to move forward because of the decision that was made on having a House of Delegates as well as a Senate. I think that the language is basically insignificant,

but it's conforming language to say that Senators would be elected from Senate districts and delegates from House districts.

PRESIDENT CASSELL: Cooper?

MR. COOPER: Mr. President, I have some language I would like to amend. I would like to know whether or not a substitute would be in order or if I would be forced to make an amendment as opposed to a substitute at this time.

PRESIDENT CASSELL: Well, it depends. I have to hear it before I know whether it's a substitute or an amendment.

MR. COOPER: The language would precede the Love substitute sentence and would simply state that, "The total number of members of the House of Delegates shall be 32."

PRESIDENT CASSELL: Well, that would be out of order because that would be dealt with in the third part, right? Why don't you hold that until we vote on that portion with the numbers?

MR. COOPER: It's my feeling that it should precede the sentence that is now before us. That is why I move it in this section.

PRESIDENT CASSELL: Well, we voted to divide this, and divide it as it is now.

MR. COOPER: Right. My motion, Mr. President --

MS. CORN: You're in the third part.

MR. COOPER: I know, but if this motion were to carry, Mr. President, it would not be necessary to carry --

PRESIDENT CASSELL: Further discussion?

(No response.)

PRESIDENT CASSELL: Okay. The motion on the floor is, as amended by delegate Love -- please read that once more. It would read, "consisting of one member to represent each legislative district." Mr. Secretary?

MR. COOPER: Yes. "Each delegate shall represent one House district and each Senator shall represent one Senate district."

PRESIDENT CASSELL: Further discussion?

(No response.)

PRESIDENT CASSELL: Those in favor, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(A chorus of "nays.")

PRESIDENT CASSELL: Raise your hands, those that are in favor, please.

MS. NAHIKIAN: This is just --

PRESIDENT CASSELL: Those in favor of the qualifying language -- that language that indicates the number of people who shall represent the people in each of those houses.

Mr. Secretary, no lobbying now; just count.

MS. FREEMAN: Point of order, Mr. Chairman. When is my motion in order?

PRESIDENT CASSELL: I will advise you when your --

MR. COOPER: Fifteen.

PRESIDENT CASSELL: Sixteen.

MR. COOPER: Sixteen.

PRESIDENT CASSELL: Those opposed?

MR. COOPER: Fifteen.

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: What's the count?

MR. B. MOORE: Point of order.

MR. COOPER: Sixteen in favor, fifteen not in favor.

PRESIDENT CASSELL: Point of order. State your point.

MR. B. MOORE: I appeal to the body. Prior to this vote, there was no discussion on the pros and cons of this issue, and yet it was a close vote. It certainly would have

helped me if I had heard opinions on it. So, I'd encourage people to give their opinions.

PRESIDENT CASSELL: Okay, the third part: "The number of members shall be 24."

MS. CORN: Mr. President?

MS. JONES: Mr. President?

PRESIDENT CASSELL: There is a minority report. "The number of members shall be 24" is the majority report. There is a minority report which is now to be heard. Who shall make that minority report?

MR. JORDAN: Mr. Chair, point of order.

PRESIDENT CASSELL: Speak it.

MR. JORDAN: Mr. Chair, it has been our practice, after we've finished amendments on a section, to vote for that total section.

MR. LOVE: We haven't finished the section. The number is part of the section.

MR. JORDAN: No, the number is not a part of the section. We voted to consider this ad sereatim; that means each individual section was going to be considered in that way. Now, we have voted on the second one that said, "consisting of" -- whatever Bob Love's amendment was. "Each delegate shall represent one House district and each Senator

shall represent one Senate district." That amended the second part of this section.

Now, Mr. Chairman, as has been our practice, we have to vote on this section, as amended.

PRESIDENT CASSELL: We have to hear the minority report before we vote. We just happen to have divided this three ways. We haven't finished the section yet. The minority report on the third portion of the section?

MR. JORDAN: No, Mr. Chairman. I'm saying we were considering these ad sereatim. There was a vote to divide this section, and we have to consider each one of those sections as a separate entity. They were divided, and we have voted now to amend the second part, but we haven't voted to adopt it, as amended. I'm asking, Mr. Chairman, that a vote be called to adopt --

PRESIDENT CASSELL: The Chair rules, Mr. Jordan, that we'll vote to adopt the entire section after it has been amended. We amend it three times and then we can adopt it.

The minority report? Delegates Feeley, Jones and Warren, on the third portion of Section 2.

MS. JONES: We move to amend the sentence, "The number of members shall be 24." We move to amend that sentence to say, "The Legislature shall be limited to a size of 32

representatives elected from the political districts, and a president to be elected by a majority of the legislators from among its members." That's for both houses; that's substitute language for that sentence.

(The motion was duly seconded.)

PRESIDENT CASSELL: Delegate Jones, please read that again so we can discuss it and vote.

MS. JONES: The wording is, "The Legislature shall be limited in size to 32 representatives elected from the political districts, and a president to be elected by a majority of the legislators from among its members."

PRESIDENT CASSELL: Has that been given to the secretary yet?

MS. JONES: We gave it to the secretary.

PRESIDENT CASSELL: Thank you.

MR. COATES: Mr. President, I move to separate the issues.

(The motion was duly seconded.)

MR. COATES: The two issues are the size, in the first case, and in the second case, that a president be elected and the means by which he be elected is the second issue.

PRESIDENT CASSELL: It has been moved and seconded

that we separate those two issues. Those in favor --

MS. EICHHORN: Point of order.

PRESIDENT CASSELL: Point of order. State your point, please.

MS. EICHHORN: Since this deals only with numbers, I think the second part of the motion is out of order in any event.

PRESIDENT CASSELL: I think I'm going to let that be in order.

It has been moved and seconded that we divide the issue. Those in favor of dividing the two issues, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Okay. The issue on the floor is, "The number shall be 32." Discussion? Delegate Love?

MR. LOVE: We seem to have three or four different things going on here. One is whether we elect a president and how that president is elected, and then whether that president's number gets pounded into the 32 or not. The other

issue is how many people in the Senate and how many people in the House of Delegates. Is there some way of separating these?

PRESIDENT CASSELL: Well, those may be questions in your mind, but they are not addressed in the motion itself. The motion says two things: "There shall be 32," and then it indicates that the president shall be elected from among that number. It seems to be a proper division, and the body has decided to divide that.

Delegate Croft?

MR. CROFT: Point of clarification.

PRESIDENT CASSELL: Yes?

MR. CROFT: Are we talking about 32, total, for both houses, or are we talking about "x" for one house and "x" for another house? At this moment in time, we now have two houses.

MS. JONES: Our motion speaks to the two houses. You're talking about "x" for one house, and "x" for the second.

MS. CORN: What are they?

MS. JONES: We're going to get to that, Gloria.

MR. CROFT: But the 32 is for which of the houses?

MS. JONES: The 32 --

PRESIDENT CASSELL: Let the question be addressed to the Chair, and let the Chair put the question. The question is, does the number 32 apply to both houses? I heard two questions. If it does apply to both houses, how shall it be divided? Is that the intent that is not expressed?

MS. JONES: That intent is not expressed. We're going to express that in a few minutes when we finish with this, hopefully.

PRESIDENT CASSELL: Very good. Are we ready to vote on this? Delegate Nahikian?

MS. NAHIKIAN: Mr. Chairman --

MS. CORN: I have an amendment to make.

PRESIDENT CASSELL: Please, please, everybody now. Delegate Nahikian?

MS. NAHIKIAN: Mr. Chairman, as I understand it, we have divided the question and the issue before us now is the number of members of the legislature. Delegate Jones' motion does not address how those shall be divided. Therefore, I would move an amendment to say that the total number of legislators should be 64, and that 16 of those shall be members of the Senate and 48 members of the House of Delegates.

(The motion was duly seconded.)

PRESIDENT CASSELL: All right. It has been moved and seconded that the amendment offered by delegate Jones be further amended to indicate that there shall be a total number of 64, 48 of those in the House and 16 in the Senate.

Discussion? Long?

MS. NAHIKIAN: I'd like to speak to my motion.

MR. LONG: I'd like to speak against the motion.

PRESIDENT CASSELL: I'm sorry. She has asked belatedly to speak for her motion. I will recognize her.

MS. NAHIKIAN: Mr. President, the reason I have chosen to make the amendment as I've made it is because we have to address the issue in this particular section about how many people will be in both chambers of the legislature.

It seems to me that since the Local Government proposal and other proposals are based on numbers divisible by eight, because those have been our geopolitical units in the District up to this point, it is natural to move the numbers of the Senate to be 16 and the numbers of the House of Delegates to be 48.

MS. EICHHORN: (Inaudible.)

MS. NAHIKIAN: Well, that's true.

PRESIDENT CASSELL: The Chair would really like to have these addressed through the Chair now. Nobody can hear

that coming from the doorway.

Would you finish, and then I'd like to have the committee respond?

MS. NAHIKIAN: Thank you, Mr. President. I think that the bottom-line issue on this is that given the vote that we have made for a bicameral legislature, we must, in fact, address the numbers in this section that would go toward both.

Let me, however, make it clear to the delegates that I think that there's some flexibility in what those numbers could be. I have suggested 16 and 48, but I do think that there's flexibility in the numbers. Thank you.

MS. CORN: May I speak?

PRESIDENT CASSELL: Delegate Jones, would you respond to that, please?

MS. JONES: You know, I think the number 32 is divisible by 8. I think that Stevens Elementary taught us that.

You know something, Gloria? You are just incorrigible, and you have really gotten on my nerves.

PRESIDENT CASSELL: Please proceed, delegate Jones.

MS. JONES: The problem that we're having here is that 32 is divisible by 8. And the other thing that I think

that we don't realize is that those of us who are proposing this number -- at least one of us took the time to go to some people in this city who deal with the statistics of the city and deal with the area as you apportion areas to find out what was going on, and I listened to those people for two-and-a-half hours.

So, therefore, when we agreed to this, we agreed to it because of that rationale that we heard from some experts. We're talking about 32, Marie, and for that reason, I am in opposition to your numbers.

MS. NAHIKIAN: But how is it split? That's the question.

PRESIDENT CASSELL: Delegate Coates and delegate Baldwin.

MR. COATES: Thank you, sir. It appears to me that once one adopts a bicameral legislature, one tends toward proliferation of legislators in a two-fold entity. I submit that the figure 32 in the original motion is too few to give adequate representation to the diversity of the geopolitical subdivisions of the city. To further divide, by district, those geopolitical subdivisions, 32 is too few.

I have only the other option of supporting the amendment of delegate Nahikian to provide for a larger number.

However, if the ideal were before us, it would appear that a total number of 48 legislative members, divided, as the case now is, between two entities, or constituting the total membership of one, unicameral legislative body, would be the preference.

PRESIDENT CASSELL: You don't take a position on this particular motion then?

MR. COATES: Yes, I do. I support, for the reason that there's no other option before me for my support, the amendment of delegate Nahikian.

PRESIDENT CASSELL: Delegate Baldwin, and then delegate Love.

MR. BALDWIN: Mr. President, I rise to oppose the secondary amendment; i.e. 64.

MS. NAHIKIAN: Sixteen.

MR. BALDWIN: No, just the total. Is your total 64?

MS. NAHIKIAN: Right.

MR. BALDWIN: Sixty-four. The primary amendment of 32, I think, is adequate. It is divisible by 8. One Senator from each district and three representatives -- if you add that up, that's a total of 32.

PRESIDENT CASSELL: Love?

MR. LOVE: Mr. Chair, in my minority report, which

is on page 2 at the end of the legislature, I also propose a house the size of 48, and I'd like to speak in favor of the number 48.

PRESIDENT CASSELL: Well, that's really not on the floor now; we've got 64. The motion deals with 64.

MR. LOVE: I understand that; I understand that.

PRESIDENT CASSELL: Yes.

MR. LOVE: She has made two proposals. I am speaking in favor of one of them. I'll get to the other one.

A 48-member House would mean that we have one representative for 13,000 residents.

PRESIDENT CASSELL: Delegate Love, I understand that you're for 48, but you're not debating anything that's on the floor.

MR. LOVE: We have 48 and 16 on the floor.

PRESIDENT CASSELL: No, that's not on the floor.

MS. NAHIKIAN: That's my motion.

PRESIDENT CASSELL: Oh, 48 and 16; I'm sorry.

MR. LOVE: I'll speak to them one at a time.

PRESIDENT CASSELL: Yes, okay.

MR. LOVE: Thirteen states have populations of less than 13,000, so we would not have a very low representative group compared to 13 other states. Also, as I quote from the

American Political Science Association, they point out that in order for a lower house to work effectively in committees, it has to have at least 40 members. So, we are talking 48 members, which is eight over the minimum recommended.

I would also point out that the average Senate size is 40 across the states, and the average House size is 110. So, we are proposing a House size which is less than half of the average size. There are only four states that have Houses of less than 40. In other words, the number 48 is very near the bottom of the number of House members that most states have.

So, I would urge the body to support the number 48. It is reasonable as compared with other states. It is a minimum, as suggested by the American Political Science Association, in order for committees to operate properly. One reason our current City Council is so overworked is because there aren't enough of them to go around and meet the various committees.

So, under these circumstances, I would support the 48. I'd also like to point out that the model state constitution recommends a ratio of one Senator to three House members. That is what the current proposal of 16 does, so I think the two numbers, 16 and 48, are eminently reasonable

and I would urge the body to support them.

PRESIDENT CASSELL: All right. I will record that as a "for" vote, though you only referred to one of the numbers.

Delegate Long?

MR. LONG: Mr. President, I would speak against this motion, and therefore am in favor of a number of 32. The constitution is going to be judged to a great extent on how much change we are asking people to swallow. Going from a one-house legislature of now 13 members -- and we're going to increase that five times -- will, I'm afraid, cause a great deal of revulsion on the part of the voters of the city.

The number 32, while a bit on the high side, is still much preferable and much easier to accept. And I would remind you, as I did the other night, that what we're here to do is to get statehood, not to design the most perfect constitution which was ever developed. Most of our decisions must be tailored to strategic values of acceptability by the voters of the District of Columbia and the Congress of the United States. So, I urge you to vote for 32.

PRESIDENT CASSELL: Okay. We've got three against and two for; I'm going to take one more. Delegate Kameny?

MR. KAMENY: Mr. Chair, as a substitute motion, I

move that we have 32 members in one house and none in the other.

(The motion was duly seconded.)

PRESIDENT CASSELL: The Chair appreciates the levity.

MR. KAMENY: I'm absolutely serious.

PRESIDENT CASSELL: There's a motion on the floor. This is an amendment to delegate Jones' amendment to the original number, which says 24. She would change that to 32 as the first half of her motion, and delegate Nahikian would increase that to 64. I would like to vote on that now.

Those in favor of delegate Nahikian's motion --

MS. EICHHORN: Roll call.

PRESIDENT CASSELL: Thirty-five dollars.

MR. KAMENY: Point of order, Mr. Chair. I made a substitute motion that was seconded.

MS. CORN: It was out of order.

MR. KAMENY: It was not out of order.

PRESIDENT CASSELL: I ruled your motion out of order.

MS. CORN: It was out of order as a reconsideration.

MR. KAMENY: It certainly was not.

MS. JONES: Point of order, Mr. President.

PRESIDENT CASSELL: Delegate Nahikian, do you have your motion written up, please?

MS. NAHIKIAN: My motion is very simple, but I'd be glad to write it out.

MS. JONES: Point of order, Mr. President.

PRESIDENT CASSELL: Please state your point of order.

MS. JONES: I'd like to remind the body that every roll call is $35, and you do not have the money.

MR. BRUNING: Point of order.

PRESIDENT CASSELL: Delegate Jones speaks to you as the treasurer who pours over the budget on a daily basis, and I implore you to consider what she said. We wouldn't want to have to stop before May 29th.

State your point of order, delegate Bruning.

MR. BRUNING: Yes. The motion has not been -- is the Chair listening?

PRESIDENT CASSELL: Delegate Bruning?

MR. BRUNING: Yes. The question has not been called by anybody that I can tell.

PRESIDENT CASSELL: The President has asked whether you are ready to vote.

MS. SHELTON: I call for the question, Mr. President.

(The motion was duly seconded.)

PRESIDENT CASSELL: The question has been --

MR. JORDAN: Point of order.

PRESIDENT CASSELL: I'm not going to accept your interruption of my carrying a vote; I don't know why you think I should. Please state your point of order.

MR. JORDAN: Mr. Chair, I would like to know what the reason is for ruling the motion that Dr. Kameny offered of amending the motion to change 64 to 32 and 32 to zero -- I'm just lost, Mr. Chairman, because I seconded that motion.

PRESIDENT CASSELL: I think that it's a facetious motion.

MR. KAMENY: I'm absolutely serious.

MS. MAGUIRE: He made a substitute motion.

PRESIDENT CASSELL: Well, let's see now; maybe we should just buzz for a while. The question was addressed to me, and I guess if I am to respond, there has to be quiet so you can hear it. If you disagree with it in the middle, you still have to be quiet and hear it all the way out. I try to do the same, all right?

(Pause.)

PRESIDENT CASSELL: We have another rationale other than that of the President. We have an amendment and a

substitute. This wasn't the Chair's reason for ruling it out of order, but it is certainly a valid one. You cannot amend a substitute, all right?

Very well. We are back to delegate Nahikian's motion. Are we prepared to vote?

MR. JORDAN: Mr. Chair --

PRESIDENT CASSELL: This is a second reason for it being out of order: The original motion was amended, and then there's a substitute motion. You cannot amend a substitute motion; you've got to vote it up or down, right?

MR. JACKSON: It's an amendment to an amendment.

MR. T. MOORE: You can amend a substitute.

MR. BALDWIN: I'm sure delegate Kameny -- and I'm directing this to him -- I'm sure delegate Kameny knows you can only have a primary and a secondary amendment, which means that you can only amend the main motion twice. Our rules state that; Roberts Rules of Order state that. You know yours would be three-tier, and therefore it's out of order.

MR. KAMENY: A substitute motion is not the same as an amendment.

MR. BALDWIN: These are amendments.

MR. COATES: No, sir; it's a substitute.

PRESIDENT CASSELL: May we proceed? I mean, this is

getting rather confusing.

MS. CORN: I call the question.

PRESIDENT CASSELL: Could the Chair be assisted now in getting this underway, please?

The question has been called. Is there a second to that?

(No response.)

PRESIDENT CASSELL: Is there a second to the question being called?

(The motion was duly seconded.)

PRESIDENT CASSELL: The Chair will then ask if we are ready to vote on delegate Nahikian's motion, and that is to provide a total of 64 members. Hearing no opposition, all of those in favor of delegate Nahikian's motion to have the third part of Section 2 read, "The number of members shall be 64" --

MR. LOVE: Raise your hands.

PRESIDENT CASSELL: -- please raise your hands. Good point.

MS. SHELTON: What are we raising our hands for now?

MR. LOVE: Sixteen and forty-eight.

MS. CORN: Sixteen and forty-eight.

PRESIDENT CASSELL: All right. Since there are a

lot of people who are not paying attention, if you are now paying attention, let's have the secretary read exactly what it is you're voting on. Mr. Secretary?

MR. COOPER: "The Legislature shall have a maximum number of 64 delegates, 16 in the Senate and 48 in the House of Delegates."

PRESIDENT CASSELL: Those in favor of that motion, please indicate by raising your hands. Those in favor, raise your hands. Please, we have to be kind of quiet, all right? I tried to make it clear.

MR. COOPER: Fourteen.

PRESIDENT CASSELL: Fifteen.

MR. COOPER: Fifteen.

PRESIDENT CASSELL: Those opposed?

MR. COOPER: Feeley, did you already vote?

PRESIDENT CASSELL: Please keep your hands up.

MR. COOPER: Fifteen.

PRESIDENT CASSELL: And what was the other one?

MR. COOPER: Fifteen.

PRESIDENT CASSELL: Fifteen to fifteen, the motion fails. We're back to the original motion, or the original amendment.

MS. CORN: Sir, may I have a recount, please? I

have to ask for that immediately after -- would you please recount that by hands?

MR. LOVE: That's not in the rules.

MS. CORN: Yes, it is.

PRESIDENT CASSELL: Delegate Corn, let me ask you, why do you want a recount? It was a rather slow, painful process.

MS. CORN: Because I don't think everyone was paying attention, and if they were, I think the motion would have carried.

MR. KAMENY: That's their business if they weren't paying attention. The votes cast were votes; that's all that counts.

PRESIDENT CASSELL: Delegate Kameny, the President --

MS. CORN: Mr. President?

PRESIDENT CASSELL: Delegate Kameny, I haven't recognized you. I'm talking, and it would be easier if you'd listen also, all right?

The reason that I think that is out of order and unnecessary is the President stated several times what it was we were voting on. I read it; the secretary read it. I asked for order, and then all those hands went up. So, I don't think there's any lack of clarification. We had extended

debate on it. I don't want to waste time.

We are back now to delegate Jones' motion, which substitutes 32 for the number 24. Now, let's read that again, the whole thing.

MS. NAHIKIAN: Mr. President, there are other amendments.

MS. CORN: There are other amendments to be made to it.

PRESIDENT CASSELL: Well, this motion is on the floor now. I mean, nobody asked for any amendments. I'm asking him to read the amendment back.

MS. NAHIKIAN: I'd like to make an amendment.

MR. BALDWIN: We're on the primary amendment.

PRESIDENT CASSELL: All right. Let's read it and then you can make an amendment.

MR. COOPER: "The Legislature shall be limited in size to 32 representatives elected from the political districts, and a president to be elected by a majority of the legislators from among its members."

PRESIDENT CASSELL: This is delegate Jones' amendment. Discussion?

MS. HARRIS: This is a minority report.

PRESIDENT CASSELL: This is also, I remind you, the

minority report from that committee.

Discussion? Delegate Jordan?

MR. JORDAN: I just wanted to remind us that we're taking it one section at a time.

PRESIDENT CASSELL: Yes, that's right. Now, remember that we voted to divide that so that we deal with the number of members first, which is 32. Discussion? Nahikian, Corn, Bruning.

MS. NAHIKIAN: Mr. Chairman, I understand that the previous amendment or substitute that I moved failed, with the total number of --

PRESIDENT CASSELL: Start that again, please.

MS. NAHIKIAN: I said I realize, of course, that the number I proposed a few moments ago at 64 failed. However, I'd like to point out, as I said initially, that I was flexible on the numbers. The bottom line is that 32, as is proposed by the committee, is really too small to have a bicameral body, and I think it is necessary to address higher numbers.

I would suggest that the total number of legislators be 40, with 8 in the Senate and 32 in the House of Delegates, and I would move that as an amendment.

PRESIDENT CASSELL: Is there a second to that?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Theresa Jones' amendment be further amended to change the number to 40 -- a total of 40, with 8 in the Senate and 32 in the House of Delegates. Discussion? Delegate Bruning, delegate Eichhorn, Corn.

MR. BRUNING: Is an amendment now in order?

MS. NAHIKIAN: You can amend a substitute.

PRESIDENT CASSELL: You'd better let the Chair rule.

MR. BRUNING: I would like to amend --

PRESIDENT CASSELL: Wouldn't you like to have a little bit of discussion on that? Would you like to speak for your motion before it's amended?

MS. NAHIKIAN: Mr. President, I would pass. If an amendment to the substitute motion is in order, I would pass.

PRESIDENT CASSELL: Delegate Bruning?

MR. BRUNING: I'd like to amend that to read 48, 12 in the Senate and 36 in the House.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded; this is a further amendment.

MR. BRUNING: If I could speak to that?

PRESIDENT CASSELL: Yes, you may. The total will be

48, 12 in the Senate, 36 in the House of Delegates. Delegate Bruning?

MR. BRUNING: Eight is an extremely small number.

PRESIDENT CASSELL: You will have to be quiet. Let me call some names now; delegate Paramore, delegate Feeley, delegate Shelton. This is the first time I've called names; we're going to do it now. Delegate Jordan, delegate Coates, please; each one of these adds up to a pretty heavy -- you can't hear it, but I can hear it up here, right? You don't want me to look stupid when I reply to these questions here; it's easy enough, you know, without the noise.

Delegate Bruning?

MR. BRUNING: Yes, just that eight is an extremely small number. When you think about eight people having the ability to stop bills essentially from being the law of the land, that, I think, should give us all pause. That means, essentially, if five of them get bought off in some fashion -- and that's the type of numbers we're talking about, five people -- we've effectively blocked one house of the legislature from operating.

Thirty-six is a multiple of twelve; it keeps that balance of three to one, which is the suggested balance by the model state constitution, and it allows for a fairly wide

representation in the city. People will be fairly responsive to small numbers of people.

PRESIDENT CASSELL: Further discussion on the Bruning amendment to the amendment -- a total of 48, 12 in the Senate and 36 in the House of Delegates? Croft?

MR. CROFT: Pass.

PRESIDENT CASSELL: Anybody else?

(No response.)

PRESIDENT CASSELL: There being -- Schrag?

MR. SCHRAG: Let me suggest a way out of what I see as a morass that may be acceptable and may not be, but possibly is acceptable to a majority of the delegates. The Jones amendment does the least damage to the committee's principles. It provides for a relatively modest-sized legislature of 32 members.

The way out is to vote down all of these amendments to the Jones amendment; then vote for the Jones amendment, 32 legislators. Then, when the entire section is up for approval, Chairman Terrell will recommend that you vote against the entire section, deleting the entire section. At that point, if the entire section is deleted --

MR. COOPER: Point of order.

MR. SCHRAG: -- Chairman Terrell will move to

replace it with a 32-member unicameral legislature.

MS. CORN: He's out of order.

MR. COOPER: Are you speaking to Mr. Bruning's motion?

MR. SCHRAG: I am speaking against Mr. Bruning's motion, but I am stating the reason why I'm going to vote against Mr. Bruning's motion.

PRESIDENT CASSELL: Delegate Schrag --

MR. SCHRAG: It would be to support the Jones motion and then delete the section, and then replace it with a 32-member unicameral legislature.

PRESIDENT CASSELL: Delegate Schrag, I guess you're giving us the reasons that you're against the motion.

MR. SCHRAG: That's correct, Mr. President.

PRESIDENT CASSELL: It doesn't seem to be that germane.

Delegate Eichhorn?

MS. EICHHORN: I would like to suggest that another option might be a bicameral legislature with -- Ms. Nahikian recommended eight in the Senate. It's also possible, with 32, to have nine in the Senate and twenty --

PRESIDENT CASSELL: You're really going to have to speak to this motion. I know that there are other proposals.

MS. EICHHORN: I am opposed to the Bruning motion. I think the total number is too large and too different from what we have. It's possible to divide 32 into 9 and 23, and I think that's an option that I would feel far more comfortable with. If you're going through with the bicameral, then I deal with the large numbers that have been proposed.

PRESIDENT CASSELL: You're against the Bruning amendment?

MS. EICHHORN: So, I'm opposed to the Bruning motion and for the Jones --

PRESIDENT CASSELL: Okay. Further discussion on the Bruning amendment? Nixon?

MR. NIXON: Mr. Chairman, I'd offer a friendly amendment of 16 and 32.

MR. BRUNING: I don't have any problem with that.

MS. CORN: What?

PRESIDENT CASSELL: I'm sorry?

MR. NIXON: A friendly amendment of 16 and 32.

(The motion was duly seconded.)

MS. NAHIKIAN: He would accept that. Would you accept that, Bruning?

PRESIDENT CASSELL: You're offering this as an amendment?

MR. NIXON: Yes.

MS. NAHIKIAN: A friendly amendment.

PRESIDENT CASSELL: This would be a third amendment. We can only amend twice.

MR. NIXON: It's a friendly amendment.

PRESIDENT CASSELL: I beg your pardon?

MR. NIXON: A friendly amendment.

MS. NAHIKIAN: The maker of the motion --

PRESIDENT CASSELL: What he's suggesting is that Bruning's numbers be changed from 48 to what?

MR. NIXON: Forty-eight; change the numbers to 16 and 32.

PRESIDENT CASSELL: Sixteen-thirty-two rather than twelve-thirty-six?

MS. NAHIKIAN: Yes.

PRESIDENT CASSELL: Without objection, if the maker of the motion accepts that, the Chair has no problem with that -- 16-32.

MR. BRUNING: Yes.

PRESIDENT CASSELL: Okay. The Bruning motion now remains with a total of 48, with 16 Senators and 32 House of Delegate representatives. Further discussion?

(No response.)

PRESIDENT CASSELL: Those in favor of the Bruning motion, as friendly changed --

MR. COOPER: Mr. President, I'd like to know if this body is going to vote on Mr. Nixon's amendment --

PRESIDENT CASSELL: No.

MR. COOPER: -- inasmuch as Mr. Bruning's amendment does belong to this body, and there may very well be those who oppose the Nixon amendment, and I think it should be voted upon.

PRESIDENT CASSELL: The Chair feels it should not be voted upon, inasmuch as we asked if there were any objections. There were no objections. We now proceed to vote.

MS. HARRIS: He accepted it.

MR. JACKSON: He accepted it.

PRESIDENT CASSELL: He accepted it, and the body said "without objection."

MR. COOPER: Mr. President --

PRESIDENT CASSELL: The vote now is -- the Chair has ruled, Mr. Secretary. May we move on?

MR. COOPER: I'm just asking for clarification because I wasn't aware that the motion belonged to Mr. Bruning or to the seconder to accept. It was my impression that that motion belonged to the body and you put it before

PRESIDENT CASSELL: I want you to listen very carefully this time. I'm going to say exactly what I said before. Not only did the maker of the motion accept it, but the body accepted it. Surely, it belongs to the body. If you recall, the Chair said, "Without objection, we will accept that friendly motion." The Chair has now ruled; there's no point in arguing it any further. There's no point in arguing it, all right?

MR. COOPER: May I apologize for my argument and only say that --

PRESIDENT CASSELL: No, I don't want you to apologize; don't bother.

MR. COOPER: It was my impression that the body accepts things by adopting motions. I could be wrong.

PRESIDENT CASSELL: All right. Those in favor of the Bruning motion now, which is an amendment to the amendment which provides a total of 48 members in the legislature, 16 Senators and 32 House of Delegate representatives, please indicate by raising your hands.

MR. COOPER: Sixteen.

PRESIDENT CASSELL: Seventeen.

MR. COOPER: Seventeen.

PRESIDENT CASSELL: Those opposed? Wait a minute.

MR. LONG: Who is counting the votes?

MR. COOPER: There were 17.

PRESIDENT CASSELL: Those opposed?

MR. COOPER: Eighteen against.

PRESIDENT CASSELL: Mr. Secretary, I counted the first -- in fact, I counted both of those, and I got a different thing. Would you count those once more?

MR. COOPER: Well, Mr. President, as you requested - how many times would you like me to count? I counted twice.

PRESIDENT CASSELL: Obviously, I'd like to hear you count a second time.

MR. COOPER: No; I said I counted twice. This would be a third time.

PRESIDENT CASSELL: I just happened to count myself and got a different count.

MR. LOVE: Mr. Chair, have two people count; have the Second Vice Chair count.

MR. COOPER: Mr. President, it's not my responsibility to raise the delegates' hands for them.

PRESIDENT CASSELL: That's true.

MR. COOPER: That is absolutely true.

PRESIDENT CASSELL: Will those people who are in favor of the Bruning motion indicate by holding your hands up

until they have been counted?

MR. BARNES: In favor?

MS. CORN: In favor.

PRESIDENT CASSELL: In favor of the Bruning motion, all right?

MR. COOPER: Could the delegates please stay still?

PRESIDENT CASSELL: The request has been for the delegates not to move around. Those in favor, one hand only.

MR. COOPER: Could they please keep their hands up until the tally is announced?

PRESIDENT CASSELL: The secretary would like you also to keep your hands up until the tally is announced; then there will be no question.

MR. COOPER: Sixteen.

PRESIDENT CASSELL: Seventeen.

MS. PARAMORE: That's not right; 18.

MR. BARNES: Roll call.

MR. KAMENY: Roll call.

PRESIDENT CASSELL: All right. Mr. Secretary, let's do that once more. Would people stand up?

MS. MAGUIRE: Roll call.

MS. EICHHORN: Roll call.

MR. COOPER: It's too difficult when they stand up.

PRESIDENT CASSELL: Let's try it with them standing up, please. Those people in favor of the Bruning motion, stand and remain standing until the vote has been counted.

MS. NAHIKIAN: Are you voting for this?

MS. CORN: I'm voting for this.

PRESIDENT CASSELL: If you are to be counted, you must be standing on the floor; not in the corridors, not on the sidelines, but on the floor.

MR. COOPER: Could you ask those delegates of lesser height to please move to where they can be seen? I'm serious.

PRESIDENT CASSELL: Those in favor? We're counting now -- one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen. Are you counting?

MR. COOPER: No; I stood to count.

PRESIDENT CASSELL: Sixteen. Anybody else? I count 16. Is everybody standing?

Would you like to verify that, please? They are all standing.

MR. T. MOORE: It's 17.

MS. NAHIKIAN: Counting you, it's 17.

PRESIDENT CASSELL: Oh, yes. I didn't count myself -- 17.

MS. HARRIS: It's 17.

PRESIDENT CASSELL: Those opposed, please stand.

MR. COOPER: Mr. President, would you announce how many were in favor?

PRESIDENT CASSELL: Seventeen in favor.

MR. COOPER: That's what I have. That's what I said the first time, Mr. President.

PRESIDENT CASSELL: Those opposed, please.

MR. COOPER: Seventeen.

MS. PARAMORE: Eighteen.

MR. BALDWIN: Eighteen.

MR. COOPER: Seventeen. Would you tell me who the 18 are?

PRESIDENT CASSELL: The secretary has counted 17. If anybody disagrees, let him recount.

MR. BALDWIN: I'll recount; it's 18.

PRESIDENT CASSELL: I'm asking the secretary to make a recount. The Chair is asking the secretary to make a recount. Please, everybody remain standing.

MR. COOPER: Seventeen.

MR. BALDWIN: Eighteen.

MR. COOPER: Mr. President, as you requested, it is 17 delegates.

MR. BALDWIN: I'll call off the names.

PRESIDENT CASSELL: All right.

MR. BALDWIN: I'll call off the names.

PRESIDENT CASSELL: Please be seated; please be seated.

Mr. Secretary, would you call the roll?

MR. COOPER: The roll? There hasn't even been requested a roll call vote.

PRESIDENT CASSELL: The President is asking you to call the roll, please.

MR. COOPER: Are you asking for the roll to be called, or are you asking for a roll call vote?

PRESIDENT CASSELL: I'm asking for a roll call vote. Mr. Secretary, please; it's getting late.

MR. COOPER: I know, but I'm not making it late; I'm not mister time. I'm not tying us up.

PRESIDENT CASSELL: Okay, now we're ready to call the roll.

MR. COOPER: I counted.

PRESIDENT CASSELL: Thank you, Mr. Secretary.

MR. COOPER: It has been counted five times.

PRESIDENT CASSELL: The secretary will now call the roll. Those in favor of the Bruning amendment -- a total of

48, 16 in the Senate, 32 in the House of Delegates -- signify by raising your hands, please.

MR. JORDAN: But what about the roll call?

MS. HARRIS: You said "roll call."

MR. COOPER: Mr. President, I'm confused as to what you want from me.

PRESIDENT CASSELL: I'm sorry. There will be a roll call vote; I'm sorry.

(Pause.)

PRESIDENT CASSELL: The roll call is about to begin.

MR. COOPER: I can't hear.

MS. HARRIS: He can't hear. Tell them to stop talking.

MR. COOPER: Could we have quiet in the hall?

PRESIDENT CASSELL: Please, we're calling the roll now. How about keeping the buzzing down? Delegate Corn, please; we're going to call the roll. Delegate Coates -- everybody who is talking, please; there's a roll call vote.

MR. COOPER: I still can't hear.

PRESIDENT CASSELL: Come on, Mr. Secretary, let's begin.

MR. COOPER: Okay.

(Secretary Cooper called the roll as follows:)

Delegate Freeman --

MR. BRUNING: Freeman?

MS. NAHIKIAN: Delegate Freeman?

MR. COOPER: Delegate Garner?

MS. FREEMAN: Pass.

MR. OULAHAN: Mr. Chairman, can we get everybody to be seated?

MR. COOPER: Delegate Graham?

MS. GRAHAM: Yes.

MR. COOPER: Delegate Harris?

PRESIDENT CASSELL: Mr. Oulahan has made a request which I think is appropriate. Would all the people who are going to vote be seated? That means anybody who happens to be standing at the door, sacrifice the smoking for two minutes or so; sit down and answer the roll call. I'd appreciate it very much.

MR. JORDAN: Mr. Chairman, could they also stop the talking among themselves so that --

PRESIDENT CASSELL: All right. Mr. Secretary, please, may we read the roll?

(Secretary Cooper called the roll as follows:)

Ms. Freeman, pass; Mr. Garner, no response; Ms.

Graham, yes; Ms. Harris, no; Ms. Holmes, yes; Mr. Jackson, yes; Ms. Johnson, no; Ms. Jones, no; Mr. Jordan, no; Mr. Kameny, no; Ms. Lockridge, no response; Mr. Long, no; Mr. Love, yes; Ms. Maguire, no; Mr. Marcus, no response; Mr. Mason, no response; Ms. Mason, no response; Mr. B. Moore, no; Mr. J. Moore, no response; Mr. T. Moore, no; Ms. Nahikian, yes; Mr. Nixon, yes; Mr. Oulahan, no; Ms. Paramore, yes; Mr. Robinson, pass; Mr. Rothschild, pass; Mr. Schrag, no; Ms. Shelton, yes; Ms. Simmons, no response; Ms. Street, no response; Mr. Terrell, no; Mr. Thomas, no response; Ms. Warren, no; Mr. Baldwin, no; Mr. Barnes, yes; Mr. Blount, no; Mr. Bruning, yes; Mr. Clark, no response; Mr. Coates --

MR. COATES: Si, senor.

(Laughter.)

(Secretary Cooper continued the roll call as follows:)

Mr. Cooper, yes; Ms. Corn, yes; Mr. Croft, yes; Ms. Eichhorn, no; Ms. Feeley, yes; Ms. Freeman, yes; Mr. Robinson, yes; Mr. Rothschild, yes; Mr. Cassell, yes.

MR. COOPER: Mr. President?

PRESIDENT CASSELL: Yes?

MR. COOPER: The results of the balloting are 19 in favor of the Bruning amendment, 16 not in favor.

PRESIDENT CASSELL: Were there any abstentions?

MR. COOPER: There were no abstentions.

(Applause.)

PRESIDENT CASSELL: All right, the Bruning amendment passes.

MR. KAMENY: Mr. President?

PRESIDENT CASSELL: Yes, delegate Kameny?

MR. KAMENY: I move we adjourn, it being 10:00.

(The motion was duly seconded.)

MR. COOPER: Point of misinformation. It is 9:51.

MR. KAMENY: It's almost 10:00.

MS. FREEMAN: Mr. President, you said that you would call on me when I was in order.

PRESIDENT CASSELL: We haven't adopted this yet. Delegate Terrell?

MR. TERRELL: Yes?

PRESIDENT CASSELL: Did we finish amending this?

MS. FREEMAN: Yes.

PRESIDENT CASSELL: Okay, we've amended all three of these. Do you want to move the adoption of Section 2, as amended?

MR. KAMENY: Mr. President, I moved we adjourn and it was seconded.

MR. LOVE: He didn't hear it.

MR. COATES: Point of order, Mr. Chairman. The second part of delegate Jones' motion regarding the election of a president from among the members has not yet been disposed of.

PRESIDENT CASSELL: Yes. That was divided; the second part. Do you want to restate that second part now of your divided motion?

MR. KAMENY: A point of order, Mr. Chair. I made a motion and it was seconded, and the motion was in order.

MR. COOPER: The delegate wasn't recognized to make a motion.

MR. KAMENY: Yes, he recognized me. I waited until he recognized me, and it was seconded from at least two voices, if not more, in the back of the room.

PRESIDENT CASSELL: Delegate Kameny, we have the second half of this third portion. Delegate Kameny, we only have one more thing to deal with. It wouldn't be appropriate to adjourn at this time, would it?

MS. EICHHORN: Point of order, Mr. President. A motion to adjourn is not debatable.

MS. MAGUIRE: It's not debatable.

MS. EICHHORN: A motion to adjourn is not debatable.

PRESIDENT CASSELL: I will never recognize anybody while I'm addressing a delegate. I'm asking you if you would allow us to complete this and withdraw your motion.

MR. KAMENY: The motion is not debatable, Mr. Chair.

PRESIDENT CASSELL: I understand that.

MR. KAMENY: It was made, it was seconded, it is in order.

PRESIDENT CASSELL: I asked you if you would withdraw it. Then your answer is no?

MR. KAMENY: Yes.

PRESIDENT CASSELL: All right. It has been moved and seconded that we adjourn. Those in favor of adjourning, signify by raising your hands.

MS. CORN: Ken, put your hand down.

MR. JORDAN: Don't tell him what to do.

MS. MAGUIRE: Gloria --

MR. KAMENY: Sit down.

PRESIDENT CASSELL: Would you please keep your hands raised?

MS. CORN: I know damned well what you're doing.

PRESIDENT CASSELL: If you have your hands up, you're in favor of adjourning. Delegate Kameny, Jordan -- everybody, would you please --

MR. COOPER: Thirteen.

PRESIDENT CASSELL: Those opposed?

MR. COOPER: Eighteen.

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The motion loses.

The second half of delegate Jones' amendment which indicates -- would you please restate that again, delegate Jones?

MS. JONES: "A president to be elected by a majority of the legislators from among its members."

PRESIDENT CASSELL: All right.

MR. LOVE: Which house?

MS. JONES: Both houses. Why do you keep asking me the same question?

MR. LOVE: Why don't you say that?

MS. JONES: No.

PRESIDENT CASSELL: Now, Mr. Secretary, would you read the third portion now with the agenda?

Let me point out that it is a dilatory tactic; it is not entirely honest to try to defeat the purposes by walking out. That wouldn't bode well. It will be a tactic that could be used by people on other occasions and, of

course, that's not a constructive.

MR. LOVE: Move the previous question.

PRESIDENT CASSELL: All right. The previous question has been called. Those in favor of cutting off debate, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(There was one "nay.")

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Okay. Those in favor of the second part regarding the selection of the president from each house, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(A chorus of "nays.")

PRESIDENT CASSELL: Show of hands, show of hands. Those in favor of delegate Jones' motion, a show of hands, please; a show of hands.

MS. CORN: Will they be elected from both of the houses?

PRESIDENT CASSELL: Each house.

Keep them up, please, and we'll be able to go.

Delegate Maguire, you're out of order. We're in the midst of a vote now. Would you please keep quiet and stand still?

MR. COOPER: Twenty-three.

PRESIDENT CASSELL: Twenty-three. Those opposed?

(Three hands were raised.)

PRESIDENT CASSELL: I see three opposed.

MR. COOPER: Three.

PRESIDENT CASSELL: Abstaining?

(No response.)

PRESIDENT CASSELL: Okay, the motion carries.

MR. LOVE: I move the section, Mr. Chair.

PRESIDENT CASSELL: Is there a second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that we adopt Section 2, as amended. Those in favor, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(A chorus of "nays.")

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Let me see the hands of those who support the motion to adopt Section 2, as amended.

MR. COOPER: Mr. President, could the delegates stay still?

PRESIDENT CASSELL: May the delegates stand still? Stand still. Those in favor of adopting the section, as amended?

MR. COOPER: Seventeen.

PRESIDENT CASSELL: Those opposed?

MR. COOPER: Sixteen.

MR. SCHRAG: Roll call.

MR. TERRELL: Roll call.

MS. EICHHORN: Roll call.

MS. HARRIS: I move that we adjourn.

MR. SCHRAG: I request a roll call vote.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that we adjourn.

MR. SCHRAG: Mr. President, a roll call vote is requested.

MR. JORDAN: No; roll call.

PRESIDENT CASSELL: It has been moved and seconded that we adjourn. Those in favor, signify by saying aye.

MR. SCHRAG: Mr. President, point of order, point of order. A roll call was requested during the vote, and the

rules --

PRESIDENT CASSELL: Those in favor of adjourning, please raise your hands.

MR. SCHRAG: Point of order, point of order, point of order, point of order, point of order. Point of order, Mr. President. We asked for a roll call during the vote, as the rules provide. Point of order.

PRESIDENT CASSELL: A motion to adjourn takes precedence. Will you hold your hands up?

MR. SCHRAG: Point of order.

PRESIDENT CASSELL: Those in favor of adjourning?

MR. SCHRAG: Point of order. The motion to adjourn is out of order during a vote, and we were in the middle of a vote.

PRESIDENT CASSELL: I have ruled you out of order.

Keep your hands up, please. Give me a count. Please keep your hands up. I'm going to call for those who oppose very shortly.

Those who are calling for people to vote one way or the other are out of order. Do you have a count?

MR. COOPER: Seventeen.

PRESIDENT CASSELL: Seventeen. Those opposed to adjourning, show your hands, please. The noise doesn't make

it any easier to count.

MR. COOPER: Eighteen.

MR. SCHRAG: Mr. President?

PRESIDENT CASSELL: Eighteen; we are not adjourned.

MR. SCHRAG: Mr. President?

PRESIDENT CASSELL: Yes?

MR. SCHRAG: I call for a roll call vote on adopting Section 2.

MS. JONES: Mr. President, there's smoking in the hall. Mr. President, a point of order.

PRESIDENT CASSELL: Yes?

MS. JONES: There is smoking in the hall. Delegate Nahikian is smoking.

MS. FREEMAN: Mr. President, point of order.

PRESIDENT CASSELL: A roll call vote has been called on the -- yes, point of order?

MS. FREEMAN: I believed my vote concerned only one section of this Section 2, and I request permission to change my vote from this body, and it concerned only the first of the three items on which we voted ad sereatim.

(The motion was duly seconded.)

MS. CORN: Point of order, Mr. President.

PRESIDENT CASSELL: It has been moved and seconded

that delegate Freeman be allowed to change her vote on -- what was the item?

MS. FREEMAN: I would like to speak to my motion.

MS. CORN: Point of order, Mr. President. That is out of -- may I -- point of order, Mr. President.

MS. FREEMAN: Delegate Corn, you're out of order.

PRESIDENT CASSELL: One point of order at a time. There's another point of order. A point of order is always in order.

MS. CORN: Point of order, Mr. President. May I speak to the motion?

PRESIDENT CASSELL: Yes.

MS. FREEMAN: Point of order. She's speaking against my motion before I've had the opportunity --

MS. CORN: No, sir.

MS. FREEMAN: Yes, she is, Mr. President.

MS. CORN: No. I'm simply citing the rules.

PRESIDENT CASSELL: A point of order is -- delegate Freeman, I'll determine whether the point of order is valid or not. State your point of order.

MS. CORN: Mr. President, in the rules, rule 5.4, "Roll Call Votes," it says specifically -- I read; this is 5.4(d) -- "the only proper vote shall be yes or its equivalent,

no or its equivalent, or abstain." Then it says in (e), "A delegate may pass, but only once." And then in (g) it says, "Any delegate may vote on a roll call until such time as the President announces the results."

Delegate Freeman voted yes; that was a counted vote.

MS. SHELTON: Mr. President?

PRESIDENT CASSELL: Delegate Shelton?

MS. FREEMAN: Point of order.

PRESIDENT CASSELL: Delegate Shelton?

MS. SHELTON: Sir, if the delegate is allowed to change her vote --

PRESIDENT CASSELL: Now, I assume that we're all standing here because we have some specific agenda. As long as we talk, nobody's agenda is going to be satisfied. It would behoove people on both sides of this issue to be quiet. The President can keep you here for a long time until we get order, can't he? There's nothing you can do about it, right? Okay, let's be quiet.

Delegate Shelton?

MS. SHELTON: If the delegate is allowed to change her vote, will the delegate that was not here at the time of the voting be allowed to vote?

MR. BALDWIN: Yes.

PRESIDENT CASSELL: That was a question, but it's not a point of order.

MS. SHELTON: It's a point of information.

PRESIDENT CASSELL: The President would say that nobody who was not here would be allowed to vote.

MR. BRUNING: Sit down, Gloria, once.

MS. FREEMAN: Point of order.

PRESIDENT CASSELL: Delegate Jackson?

MR. JACKSON: Yes, sir. I have to speak in favor or against her reference, is that right?

PRESIDENT CASSELL: Right.

MR. JACKSON: Now, as I understand it, Mr. Chair, Roberts Rules of Order apply when our rules are silent.

MR. COATES: It's not debatable.

MR. SCHRAG: Point of order.

MR. JACKSON: Mr. Chair --

MS. FREEMAN: I want to make a point of order, which everybody else apparently is doing --

MR. JACKSON: Don't scream at me. Wait a second.

MS. FREEMAN: -- which I tried to do originally. I have never yet been able to make a point of order.

MR. JACKSON: I asked the Chair a point; he can rule on it.

MR. JORDAN: It's not debatable.

MS. FREEMAN: This is not debatable.

MR. JACKSON: Then he can rule on it.

MS. FREEMAN: This is a point of order. I am referring to Section 44 of Roberts Rules, rule --

PRESIDENT CASSELL: Delegate Jackson has the floor.

MS. FREEMAN: Thank you.

MR. JACKSON: Mr. Chair, I'm asking for a ruling. Do I have the floor?

PRESIDENT CASSELL: Yes, you have the floor.

MR. JACKSON: Okay. First, Roberts Rules of Order has been referred to in this process. Roberts Rules of Order applies only when our rules are silent. When our rules were developed, Mr. Chair, the reason we had rotations of votes was that so no one could change a vote on anything after the other was placed. That is why the Chair was not put either first or last.

If we start it here, what can be done if a person can change a vote anytime the person in front of him votes? Mr. Chair, that was because we debated over that point. We debated and debated about whether or not the Chair should be first, last, or whatever, and that was the purpose of it.

MS. FREEMAN: That's my --

MR. JACKSON: Excuse me; let me finish.

The delegate asked, Mr. Chairman, in the vote, "What am I voting on," and it was stated very clearly. I am not for using the rules against anyone, but I think when they apply, they apply. Our rules speak specifically to this point. Roberts Rules of Order has nothing to do with it, unless our rules are silent.

MR. KAMENY: Point of order, point of order.

PRESIDENT CASSELL: Delegate Freeman?

MS. FREEMAN: The rules are totally silent on the right of a delegate to change her vote or his vote. In that case, I have the right to change my vote, which is part of why I voted the way I voted because I knew I had the right to change my vote. Section 44 --

PRESIDENT CASSELL: May I hear that again? I didn't hear that.

MS. FREEMAN: I knew as I was voting that I had the right to change my vote up until the moment at which you, the President, announced the final results. Before you announced the final results, I requested the right to change my vote, and at that point everybody spoke in this room but me.

I am now referring to the section I would have

referred to at that time, had I had the opportunity of speaking, Section 44 of Roberts Rules. "A member has the right to change his vote up to the time the result is announced." I requested the right to change my vote before you announced the results.

"After that, he can make the change only by permission of the assembly, which can be given by general consent or by the adoption of a motion to grant the permission which is undebatable."

PRESIDENT CASSELL: Delegate Cooper?

MR. COOPER: Yes. As delegate Jackson did point out, it was the feeling of this body in the pre-convention period that we would rotate on roll call votes for the purpose of not allowing delegates --

MS. FREEMAN: I made the motion, delegate -- point of order.

MR. COOPER: -- for the purpose of not allowing delegates to change their vote. Now, Ms. Freeman, the times that I have worked with her, has been a staunch supporter of the legislative history that comes out of this convention, and I would think that she would want to indeed support the legislative history that came out of the pre-convention period, in which we adopted these rules that specifically

state as to why we rotate our votes and why we would not have a member change a vote.

PRESIDENT CASSELL: Coates, Bruning, Robinson.

MR. COATES: Mr. President, thank you for the recognition. I do not rise to debate --the rule is clear; no debate is allowable -- but to suggest a point of procedure that we proceed to vote, determining whether we will grant permission to delegate Freeman to change her vote.

PRESIDENT CASSELL: Your point is well taken; it's not a debatable issue.

MS. CORN: Point of order, Mr. President; point of order, Mr. President.

PRESIDENT CASSELL: State your point.

MS. CORN: Our rules are very clear about reconsideration, about constitutional text. To allow her to change her vote is tantamount to a reconsideration of text. That is not allowed until second readings.

MR. ROBINSON: Mr. President, I move the previous question.

(A disturbance occurred in the body.)

PRESIDENT CASSELL: Delegate Bruning?

MS. CORN: What is the matter with you?

PRESIDENT CASSELL: Delegate Bruning?

MS. CORN: Have you lost your mind? Get your hands off of me. You'll be lucky if I don't sue you for assault and battery.

PRESIDENT CASSELL: All right. Before we --

MS. CORN: Mr. President?

PRESIDENT CASSELL: Before we proceed --

MS. CORN: Mr. President, a point of order.

PRESIDENT CASSELL: Hold on just a minute. Before we proceed, the President personally wishes to admonish the delegate who exerted some degree of physical violence on another delegate, that delegate having been named Bruning.

MS. SHELTON: Mr. Chair?

PRESIDENT CASSELL: He asks him to refrain from ever approaching a delegate in a menacing manner, and he apologizes to delegate Corn for the action.

MS. CORN: Oh, it's more than an apology. He will get a medical bill and a lawsuit.

PRESIDENT CASSELL: The previous question has been moved -- all right, the previous question has been moved and seconded now. May we vote on whether to permit delegate Freeman to change her vote?

(Simultaneous discussion.)

MS. CORN: Richard, that was the most sexist thing

I could ever think of, when a man uses physical violence on a woman. You humiliated me in front of this whole body. I'm going to sue you for this. I mean it; I'm furious. That is the most sexist thing I could ever imagine anybody doing to me.

PRESIDENT CASSELL: Inasmuch as the Chair is unable to restore order --

MR. KAMENY: Order.

PRESIDENT CASSELL: The Chair, unable to restore order in the assembly, declares that the meeting is adjourned.

MR. SCHRAG: Thank you.

PRESIDENT CASSELL: The Chair has so declared.

(Whereupon, at 10:10 p.m., the Convention was adjourned.)